



***A Non-Profit, Non-Partisan
Consumer Group***

99 MAY 18 P5:10

**RE: Comments by Consumer Alert on Irradiation in the Production, Processing,
and Handling of Food
Docket No. 98N-1038**

May 18, 1999

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Rm 1061
Rockville, MD

Dear Sir or Madam,

On behalf of Consumer Alert, I am submitting the attached comments on the Advance Notice of Proposed Rulemaking relating to labeling of irradiated food -- Docket No. 98N-1038.

Sincerely,

Frances B. Smith,
Executive Director

98N 1038

C2067

**Comments by Consumer Alert on Irradiation in the Production,
Processing, and Handling of Food
Docket No. 98N-1038**

May 18, 1999

Consumer Alert appreciates the opportunity to comment about the possible label changes on food treated by irradiation. Consumer Alert is a nationwide, non-profit, non-partisan, consumer group with individual members in all 50 states. It also coordinates the National Consumer Coalition (NCC), which is an on-going coalition representing 4 million consumers nationwide. Consumer Alert, in its programs and activities, points to the consumer benefits of a market economy in increasing choice and competition, which can lead to lower costs and advances in technology that can improve health and safety.

Irradiation has been increasingly recognized by international and domestic scientific groups and public health experts as a critical component of food safety programs. Yet even with widespread scientific endorsements of irradiation's benefits, there has not been a concomitant widespread acceptance and appreciation of irradiation's benefits by the public. Partly that is undoubtedly due to the fact that irradiated foods are not widely available – most people have not encountered food treated with irradiation. Producers have been slow to invest heavily in this process because of the perceived lack of consumer acceptance. In addition, earlier and misguided campaigns against the use of irradiation on food may have caused producers to be reluctant about adopting this technology.

Several of those factors have changed significantly in the past few years. Widely publicized outbreaks of food-borne diseases have caused the public to become more concerned about the safety of the food supply. Some activist groups have recently tempered their attacks on irradiation and now accept the view that irradiation may have a role to play in protecting consumers against food-borne pathogens. Producers' interest has also increased, as they seek to satisfy their customers and find better ways to provide a safer food supply.

The increased level of interest in irradiation as an important food safety tool bodes well for its future development. However, we would caution regulators that approaches to labeling irradiated foods can play a large role in consumers' perceptions and acceptance of this technology.

In a market economy, information on consumer products, including food, is provided for a variety of purposes – to give specific information about the product itself, particularly if it is a new product, to differentiate the product from its competitors, to inform consumers about how to use or prepare the product, to warn consumers about potential problems or improper use, to provide manufacturer contact information, and other purposes.

Consumers, depending on prior knowledge and their own values, may find some of the information more important to them than it would be for others. They search out information

that they need or value, whether it relates to ingredients, to safety, to diet or nutrition, or to warnings.

In consumer product markets, absent mandatory labeling, it seems highly probable that various companies would use the fact that their foods were irradiated as a marketing tool -- in promoting the safety of their products. A variety of non-threatening words and symbols would undoubtedly be used to convey the fact that the food is irradiated, and irradiated food can mean safer food. -- "Halley's Hamburgers: A Safer* Product," "Cold pasteurized to protect," "Our SafeShield (TM) Food Protects You." Comparative ads and labels would likely arise.

In connection with the current labeling requirements for irradiated foods, it is likely that some consumers would be misled into thinking that food that has been treated with radiation is less safe or that it is radioactive. Consumer Alert would offer that the wording may in fact may cause some people to shy away from such foods in that belief.

The issue of the radura logo, its informational value, and its recognition has been highlighted in the listing of FDA's questions. Underlying the questions is the presumption that the radura should be the major form of communicating the fact that the food has been irradiated. Consumer Alert would suggest that should not necessarily be the case, as other types of information relating to irradiated foods may be more important. Logo identification with a product or a company, as practiced in the world of product marketing, depends on repetitive advertising in a variety of media so that consumers will recognize the logo and its association. That recognition may not come quickly and is not likely without large-scale advertising/promotional programs. Such programs are not likely through government funding nor through private companies or organizations unless they can anticipate a positive advantage -- increased product sales -- as a result.

The private market can likely find many innovative ways to promote irradiation as a positive good that enhances their food products. A government mandated "one size fits all" statement and logo gives less incentive to companies to more creatively promote the value of irradiation, especially if the "one size . . ." is perceived as somewhat alarming to consumers.

Consumer Alert has supported and encouraged the development and use of technology as a means to provide safer food and other products to consumers. We have also supported the value of private solutions over government mandates in addressing consumer issues. With regard to the irradiated food labeling issue, Consumer Alert takes the position that the marketing and labeling of these products should be left to the private sector.

In conclusion, it is worth noting the significant consumer benefits of irradiation. Michael T. Osterholm, Ph.D., a Minnesota state health official, wrote in the September 1, 1997 edition of *Newsweek* about irradiation: "it could prove to be as significant a development in public health as was pasteurization of milk, chlorination of water or immunization . . ." His authoritative endorsement of the technology also comes with a denouncement of not fully utilizing the technology. Dr. Osterholm also wrote about irradiation in the *New England Journal of Medicine* on May 29, 1997:

Irradiation provides the greatest likelihood of substantially reducing bacterial and parasitic causes of foodborne disease associated with numerous foods, including fresh fruits and vegetables. However, the food industry remains reluctant to use this technique out of fear of incurring the wrath of activist groups that wrongly proclaim that irradiation is unsafe or seriously compromises the quality of the food product. The time has come to use irradiation; we must not let any group use arguments without a scientific basis to keep such an important technique from the marketplace.

Consumer Alert would like to add to that cautionary note and urge the FDA not to allow labeling that may be perceived as unnecessarily alarming to stand in the way of consumer acceptance of this process that could be invaluable in improving the safety of our food supply.

Sincerely,

Frances B. Smith
Executive Director
Consumer Alert